

REMARKS

The Ikeda et al. reference appears to have been cited for the first time in the Office Action dated April 21, 2005. However, a PTO-892 form listing the Ikeda et al. reference was not included with that Office Action. It is respectfully requested that the Examiner provide such a PTO-892 form listing the Ikeda et al. reference thereon so as to insure that this reference appears as a cited reference on the front page of the patent issuing on this application.

Dependent Claims 16, 18, and 22 have been amended to correct the minor informalities noted by the Examiner.

The Examiner rejected independent Claim 12 under 35 U.S.C. 103(a) as being obvious in view of the combined teachings of the Katoh et al. and Ikeda et al. references. This rejection is respectfully traversed.

The Ikeda et al. reference is non-analogous art to the claimed invention (and, for that matter, to the Katoh et al. reference). Therefore, the disclosure of the Ikeda et al. reference should not be considered at all when evaluating the patentability of the claimed invention. As set forth in Section 2141.01(a) of the MPEP, a reference must either be (1) in the field of the applicant's endeavor or (2) reasonably pertinent to the particular problem with which the inventor was concerned. With respect to the latter test, a reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem.

With respect to the first leg of this test for analogous art, the field of endeavor of the Ikeda et al. reference (namely, an air conditioner having a heat sink provided at an upstream position in an air duct, a radiator provided at a downstream position in the air duct and an air mixing damper provided between the heat sink and the radiator for changing the volume of the air passing through the radiator) is quite different from the field of endeavor of the claimed invention (namely, a drive for cooling fans in motor vehicles that includes a primary cooler that is located in a primary cooling circuit and at least two secondary coolers that are located in respective secondary cooling

circuits). Thus, the field of endeavor of the Ikeda et al. reference is clearly not within the field of endeavor of the claimed invention.

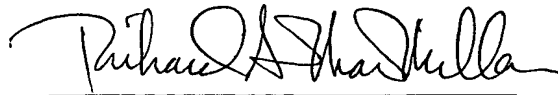
With respect to the second leg of this test for analogous art, the problems addressed by the Ikeda et al. reference (namely, the difficulties associated with adequately controlling the temperature of the air discharged from the air duct into the interior of the vehicle and energy efficiency) are quite different from the problems addressed by the claimed invention (namely, the control of the operation of a cooling fan in response to the operation of a plurality of separate cooling circuits). Thus, the Ikeda et al. reference is clearly non-analogous art to the claimed invention and, therefore, should not be considered at all when evaluating the patentability of the claimed invention.

However, even if the disclosure of the Ikeda et al. reference is considered, the disclosure thereof cannot be properly combined with the disclosure of the Katoh et al. reference to achieve the claimed invention. The Ikeda et al. reference discloses an air conditioning system 100 that includes a compressor 1, an external heat exchanger 2, and a pair of internal heat exchangers 3 and 4. As best shown in Fig. 8, the Katoh et al. reference discloses a variable speed drive 1 for cooling a cooling system radiator 7 and an air conditioning condenser 8. A proper combination of the Ikeda et al. reference with the Katoh et al. reference would yield a variable speed drive system wherein the external heat exchanger 2 of the air conditioning system 100 shown in the Ikeda et al. reference is substituted for the air conditioning condenser 8 shown in the Katoh et al. reference. Such a variable speed drive system is clearly quite different from the claimed invention.

The combination of references proposed by the Examiner impermissibly uses hindsight to pick out two specific structures from the Ikeda et al. reference (the temperature sensors 38 and 39 for the two internal heat exchangers 3 and 4) for incorporation into the unrelated Katoh et al. structure. Without the benefit of such hindsight, a person of ordinary skill in the art would not employ the temperature sensors 38 and 39 of the Ikeda et al. reference in the variable speed drive of the Katoh

et al. reference. Thus, the rejection by the Examiner is improper and should be withdrawn.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. MacMillan", written over a horizontal line.

Richard S. MacMillan

Reg. No. 30,085

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900